

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : **10/585,215**
Filed/371(c) : February 24, 2009
Applicant : Ansgar Werner, et al.
Title : USE OF A METAL COMPLEX AS AN N-DOPANT FOR AN ORGANIC SEMICONDUCTING MATRIX MATERIAL, ORGANIC SEMICONDUCTING MATERIAL AND ELECTRONIC COMPONENT, AND ALSO A DOPANT AND LIGAND AND PROCESS FOR PRODUCING SAME

Confirmation No. : 9620
Art Unit : 2815
Examiner : Anthony Ho

Attorney Docket No. : 17346-0088
Customer No. : 29052

RESPONSE TO NOTICE OF NON-COMPLIANT INFORMATION DISCLOSURE STATEMENT

Via EFS-Web
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

The facts noted on the Notice of Non-compliant Information Disclosure Statement (“Notice”) are wrong; the Applicants—as described herein—filed the Information Disclosure Statement (“IDS”) before the Office accepted the Issue Fee. Accordingly, the Applicants respectfully request consideration of the IDS filed January 31, 2011.

Relevant Facts

The Office did not accept the issue fee until November 4, 2011, because of the Applicants’ outstanding petitions. The Applicants filed three petitions under 37 C.F.R. § 1.47 before the Office finally granted Applicants’ request on August 9, 2011.

U.S. Application No. 10/585,215
Filing/371(c): February 24, 2009
Response to Notice of Non-compliant
Information Disclosure Statement

The first of the three petitions was outstanding when the Office mailed the Notice of Allowance on June 23, 2011. So even though the Applicants faxed the Issue Fee Transmittal form three months later, on September 23, 2010, the Office did not accept the Issue Fee—*i.e.*, the issue fee was not “paid”—until November 4, 2011, which was after the Office granted the (1) third petition under 37 C.F.R. § 1.47 and (2) the petition to withdraw the holding of abandonment. As a result, the Applicants submitted the IDS of January 31, 2011 more than 10 months BEFORE paying the Issue Fee on November 4, 2011. Applicants submit the following timeline for the Office’s convenience:

24 Feb. 2009	First Petition Under 37 C.F.R. § 1.47
23 June 2010	Notice of Allowance
30 Aug. 2010	First Petition Dismissed
23 Sept. 2010	Issue Fee Transmittal Form Faxed, But <u>NOT</u> Accepted
1 Nov. 2010	Second Petition Under 37 C.F.R. § 1.47
16 Dec. 2010	Second Petition Dismissed
31 Jan. 2011	IDS In Question Filed (Issue Fee still <u>NOT</u> accepted)
16 June 2011	Third Petition Under 37 C.F.R. § 1.47
9 August 2011	Third Petition ACCEPTED
31 August 2011	ABANDONMENT (for “failure” to pay fee)
21 Oct. 2011	Petition to Withdraw Holding of Abandonment
4 Nov. 2011	Issue Fee <u>ACCEPTED</u> by Office

U.S. Application No. 10/585,215
Filing/371(c): February 24, 2009
Response to Notice of Non-compliant
Information Disclosure Statement

As noted in the Petition to Withdraw Holding of Abandonment, the Applicants attempted to submit the Issue Fee on September 23, 2010, but the Office did not accept it. As a result, the Issue Fee was not paid until November 4, 2011.

Therefore, the facts on the Notice are wrong. The Applicants submitted the IDS on January 31, 2011, which was more than 10 months before the Office Accepted the Issue Fee. In other words, the IDS was NOT “filed after the issue fee was paid,” as asserted in the Notice.

Conclusion

Prompt consideration of the IDS is respectfully solicited.

Respectfully submitted,



Peter G. Pappas
Reg. No. 33,205

Date: January 20, 2012

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, GA 30309
Telephone: 404-853-8064
Facsimile: 404-853-8806

Attorney Docket No.: 17346-0088